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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,881	09/11/2003	Michael A. Chack	2950P071D	6930
24628	7590	08/06/2008	EXAMINER	
Husch Blackwell Sanders, LLP			NGUYEN, THANH T	
Welsh & Katz				
120 S RIVERSIDE PLAZA			ART UNIT	PAPER NUMBER
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CHICAGO, IL 60606				
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			08/06/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/660,881	CHACK, MICHAEL A.
	<b>Examiner</b>	<b>Art Unit</b>
	Thanh Tammy Nguyen	2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on May 27, 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |



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***Detailed Office Action***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 27, 2008 has been entered.
2. Claims 1-15 are presented for examination.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamadani et al., (hereinafter Hamadani) U.S. Patent No. 5,742,757 in view of Jonathan Clark., (hereinafter Clark) Publication No. 2001/0011254A1 further in view of Liao et al., (hereinafter Liao) US Patent No. 6,292,833, and further in view of Duault et al., (hereinafter Duault) US Patent No.5,307,347.
  
5. As to claim 1, Hamadani discloses the invention substantially as claimed, Hamadani teaches the invention including a method of queuing request to access to a server having software with a set number of available licenses, the method comprising: receiving requests for access to the software on the server (central computer 20 of fig.1) from a plurality of remote users (EWSs 10 of fig.1) [see Hamadani col.3, lines 45-53] (a customer license manager 28 receives license requests from the EWSs 10); allowing access to the software on the server to some of the plurality of remote users [see Hamadani, col.4, lines 10-16, and col.5, lines 19-21] (In response to a license request form a EWS 10, the customer license manager 28 controls the monitor program 24 to search the license data base 22for software licenses available to run a software tool required by the requesting EWS 10, and if the node-locked license is available, the requester is allowed to user it); placing remote users denied access in a queue [see Hamadani, col.3, lines 49-53, and col.4, lines 60-65] (a queuing manager 32 maintains a queue Of license requests if a required license is not available at the time of a request); sending an alert (notify) to a queue remote user in the queue when

a license becomes available, the alert indicating the access is available [see Hamadani, col.2, lines 64-67, and col.4, lines 62-67] (the computer is notified in order of the queue when license for the software tool becomes available); and allowing access to the software on the server to the queued remote users only, after the queued remote user responds to the alerts [see Hamadani, col.4, line 63 to col.5, line 5, and col.15, lines 22-57] (if the floating license is available, the requester is allowed to use it). However, Hamadani does not explicitly disclose the number of remote users allowed access does not exceed the set number of available licenses.

6. In the same field of endeavor, Clark discloses (e.g., distributed execution software license server). Clark discloses the number of remote users allowed access does not exceed the set number of available licenses (Clark teaches group of users to share a license as long as the number of simultaneous users does not exceed the number of licenses). [Clark, paragraph 0016].
7. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Clark's teaching of a distributed execution software license server with the teachings of Hamadani to have the number of remote users allowed access does not exceed the set number of available licenses, for the purpose of protecting them from unauthorized, and unlicensed use [see Clark, paragraph 0020]. Thus Hamadani provides the motivation by stating that there exists a need to provide an automatic system for monitoring the availability of software licenses [see Hamadani col.1, lines 65-67]. Also, Hamadani and Clark do not explicitly disclose sending a message to any remote user denied

- access, the message indicating that an access is not possible and that the user denied access will be notified when access is available.
8. In the same field of endeavor, Liao discloses (e.g., Method and apparatus for providing access control to local services of mobile devices). Liao discloses sending a message to any remote user denied access, the message indicating that an access is not possible and that the user denied access will be notified when access is available [see Liao, col.7, lines 5-22] (then the message is denied access to the local services of the mobile device in block 426. Here, the message is denied access because it was not able to be validated by the authorized service).
  9. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liao's teaching of a method and apparatus for providing access control to local services of mobile devices with the teachings of Hamadani to have sending a message to any remote user denied access, the message indicating that an access is not possible and that the user denied access will be notified when access is available for the purpose of protecting from hackers or unscrupulous network sites [see Liao, col.3, lines36-42]. However, Hamadani does not explicitly disclose notify queued users, and determining whether the queued remote user has responded to the alert.
  10. In the same field of endeavor, Duault discloses (e.g., Method and apparatus for sharing a telecommunications channel among multiple users). Duault discloses notify queued users [col.11, lines 12-62] (*notifies the queued users sequentially rather than*

*notifying all of them at once), and determining whether the queued remote user has responded to the alert [col.12, lines 1-10] (status response indicating decline).*

11. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Duault 's teaching of a method and apparatus for sharing a telecommunications channel among multiple users with the teachings of Hamadani, for the purpose of may be fully utilized while others may be at least partially inactive [col.2, lines 63-65].
12. As to claim 2, Hamadani, teaches the invention as claimed, wherein further comprising placing the remote users denied access back in the queue if the queued remote user does not respond to the alert, to allow the queued remote users an additional opportunity to respond when an additional license becomes available [see Hamadani, col.5, lines 50-57] (the license manager notifies the requesting EWS 10 when its request can be served in order of the queue).
13. As to claim 3, Hamadani teaches the invention as claimed, wherein each of the queued remote users is allowed only a predetermined number of additional opportunities to respond to the alert before terminating the request for access [see Hamadani, col.4, lines 60-67, and col.5, lines 41-51] (notify and allow the first request in the queue to be served).
14. As to claim 4, Hamadani teaches the invention as claimed, wherein the remote users in the queue are prioritized based on when the requests are received [see Hamadani, col.4, line 67 to col.5, line 5] (the request is put on license request queue in accordance with their priorities establishing by the queuing manager 32).

14. As to claim 5, Hamadani, discloses the invention substantially as claimed, Hamadani teaches including a server comprising: a receiver to receive requests for access to a software on the server (central computer 20 of fig.1) from a plurality of remote users (EWSs 10 of fig. 1) [see Hamadani col.3, lines 45-53] (a customer license manager 28 receives license requests from the EWSs 10) the software having a set number of available licenses (RAM license availability table of fig. 1); a processor to allow access to the software on the server to some of the plurality of remote users [see Hamadani, col.4, lines 10-16, and col.5, lines 19-21] (In response to a license request form a EWS 10, the customer license manager 28 controls the monitor program 24 to search the license data base 22for software licenses available to run a software tool required by the requesting EWS 10, and if the node-locked license is available, the requester is allowed to user it); and to place the remainder of the plurality of remote users in a queue [see Hamadani, col.3, lines 49-53, and col.4, lines 60-65] (a queuing manager 32 maintains a queue of license requests if a required license is not available at the time of a request); a transmitter to send alerts to remote users as licenses become available [see Hamadani, col.2, lines 64-67, and col.4, lines 62-67] (the computer is notified in order of the queue when license for the software tool becomes available); wherein the processor allows access to the software to the queued remote users [see Hamadani, col.4, line 63 to col.5, line 5, and co15, lines 22-57] (if the floating license is available, the requester is allowed to use it). However, Hamadani does not explicitly disclose the number of remote users allowed access does not exceed the set number of available licenses.

15. In the same field of endeavor, Clark discloses (e.g., distributed execution software license server). Clark discloses the number of remote users allowed access does not exceed the set number of available licenses (Clark teaches group of users to share a license as long as the number of simultaneous users does not exceed the number of licenses)[see Clark, paragraph 0016].
16. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Clark's teaching of a distributed execution software license server with the teachings of Hamadani to have the number of remote users allowed access does not exceed the set number of available licenses, for the purpose of protecting them from unauthorized, and unlicensed use [see Clark, paragraph 0020]. Thus Hamadani provides the motivation by stating that there exists a need to provide an automatic system for monitoring the availability of software licenses [see Hamadani col.1, lines 65-67]. Also, Hamadani and Clark do not explicitly disclose sending a message to any remote user denied access, the message indicating that an access is not possible and that the user denied access will be notified when access is available.
17. In the same field of endeavor, Liao discloses (e.g., Method and apparatus for providing access control to local services of mobile devices). Liao discloses sending a message to any remote user denied access, the message indicating that an access is not possible and that the user denied access will be notified when access is available [see Liao, col.7, lines 5-22] (then the message is denied access to the local services of the mobile device in block 426. Here, the message is denied access because it was not

- able to be validated by the authorized service). However, Hamadani does not explicitly disclose notify queued users, and determining whether the queued remote user has responded to the alert.
18. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liao's teaching of a method and apparatus for providing access control to local services of mobile devices with the teachings of Hamadani to have sending a message to any remote user denied access, the message indicating that an access is not possible and that the user denied access will be notified when access is available for the purpose of protecting from hackers or unscrupulous network sites [see Liao, co.1.3, lines36-42]. In the same field of endeavor, Duault discloses (e.g., Method and apparatus for sharing a telecommunications channel among multiple users). Duault discloses notify queued users [col.11, lines 12-62] (*notifies the queued users sequentially rather than notifying all of them at once*), and determining whether the queued remote user has responded to the alert [col.12, lines 1-10] (*status response indicating decline*).
19. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Duault 's teaching of a method and apparatus for sharing a telecommunications channel among multiple users with the teachings of Hamadani, for the purpose of may be fully utilized while others may be at least partially inactive [col.2, lines 63-65].
20. As to claim 6, Hamadani discloses the invention as claimed, wherein the processor places the remote users denied access back in the queue if tire user does not respond

when additional license becomes available [see Hamadani, col.5, lines 50-57] (the license manager notifies the requesting EWS 10 when its request can be served in order of the queue).

21. As to claim 7, Hamadani discloses the invention as claimed, further comprising a counter to count a predetermined number of returns to the queue wherein each of the queued remote users is allowed only the predetermined number of additional opportunities to respond when an additional license becomes available [see Hamadani, col.4, lines 60-67, and col.5, lines 41-51] (notify and allow the first request in the queue to be served). 21. As to claim 8, Hamadani discloses the invention as claimed, wherein the remote users in the queue are prioritized based on when the requests are received [see Hamadani, col.5, line 67 to col.5, line 5] (the request is put on license request queue in accordance with their priorities establishing by the queuing manager 32).
22. As to claim 9, Hamadani discloses the invention substantially as claimed, Hamandani teaches including a computer-readable medium having stored thereon data representing instructions that, when executed by a processor of a server, cause the processor to perform operations comprising: receiving requests for access to software on the server (central computer 20 of fig. 1) from a plurality of remote users (EWSs 10 of fig. 1) [see Hamadani col.3, lines 45-53] (a customer license manager 28 receives license requests from the EWSs 10), the software having a set number of available licenses (RAM license availability table of fig.1); allowing access to the software on the server to some of the plurality of remote users [see Hamadani, col.4,

lines 10-16, and col.5, lines 19-21] (In response to a license request form a EWS 10, the customer license manager 28 controls the monitor program 24 to search the license data base 22 for software licenses available to run a software tool required by the requesting EWS 10, and if the node-locked license is available, the requester is allowed to user it); placing the remainder of the plurality of remote users in a queue [see Hamadani, col.3, lines 49-53, and col.4, lines 60-65] (a queuing manager 32 maintains a queue of license requests if a required license is not available at the time of a request); sending alerts to remote users as licenses become available [see Hamadani, col.2, lines 64-67, and col.4, lines 62-67] (the computer is notified in order of the queue when license for the software tool becomes available); and allowing access to the software on the server to the queued remote users [see Hamadani, col.4, line 63 to col.5, line 5, and co15, lines 22-57] (if the floating license is available, the requester is allowed to use it). However, Hamadani does not explicitly disclose the number of remote users allowed access does not exceed the set number of available licenses.

23. In the same field of endeavor, Clark discloses (e.g., distributed execution software license server). Clark discloses the number of remote users allowed access does not exceed the set number of available licenses (Clark teaches group of users to share a license as long as the number of simultaneous users does not exceed the number of licenses) [see Clark, paragraph 0016].
24. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Clark's teaching of a

distributed execution software license server with the teachings of Hamadani to have the number of remote users allowed access does not exceed the set number of available licenses, for the purpose of protecting them from unauthorized, and unlicensed use [see Clark, paragraph 0020]. Thus Hamadani provides the motivation by stating that there exists a need to provide an automatic system for monitoring the availability of software licenses [see Hamadani col. 1, lines 65-67]. Also, Hamadani and Clark do not explicitly disclose sending a message to any remote user denied access, the message indicating that an access is not possible and that the user denied access will be notified when access is available.

25. In the same field of endeavor, Liao discloses (e.g., Method and apparatus for providing access control to local services of mobile devices). Liao discloses sending a message to any remote user denied access, the message indicating that an access is not possible and that the user denied access will be notified when access is available [see Liao, col.7, lines 5-22] (then the message is denied access to the local services of the mobile device in block 426. Here, the message is denied access because it was not able to be validated by the authorized service).
26. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liao's teaching of a method and apparatus for providing access control to local services of mobile devices with the teachings of Hamadani to have sending a message to any remote user denied access, the message indicating that an access is not possible and that the user denied access will be notified when access is available for the purpose of protecting from

hackers or unscrupulous network sites [see Liao, col.3, lines36-42]. However, Hamadani does not explicitly disclose notify queued users, and determining whether the queued remote user has responded to the alert.

27. In the same field of endeavor, Duault discloses (e.g., Method and apparatus for sharing a telecommunications channel among multiple users). Duault discloses notify queued users [col.11, lines 12-62] (*notifies the queued users sequentially rather than notifying all of them at once*), and determining whether the queued remote user has responded to the alert [col.12, lines 1-10] (*status response indicating decline*).
28. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Duault 's teaching of a method and apparatus for sharing a telecommunications channel among multiple users with the teachings of Hamadani, for the purpose of may be fully utilized while others may be at least partially inactive [col.2, lines 63-65].
29. As to claim 10, Hamadani discloses the invention as claimed, wherein the instructions further cause the processor to place the remote users denied access back in the queue if the user does not respond to the alert, to allow the user an additional opportunity to respond when an additional license become available [see Hamadani, col.5, lines 50-57] (the license manager notifies the requesting EWS 10 when its request can be served in order of the queue).
30. As to claim 11, Hamadani discloses the invention as claimed, wherein each of the queued remote users is allowed only a predetermined number of additional opportunities to respond before terminating the request for access [see Hamadani,

col.4, lines 60-67, and col.5, lines 41-51] (notify and allow the, first request in the queue to be served).

31. As to claim 12, Hamadani discloses the invention as claimed, wherein the remote users in the queue are prioritized based on when the requests are received [see Hamadani, col.4, line 67 to col.5, line 5] (the request is put on license request queue in accordance with their priorities establishing by the queuing manager 32).
32. As to claim 13, Hamadani discloses the invention as claimed, wherein one or more ports reserved exclusively for receiving requests from remote users [see Flamadani, col.4, lines 10-16, and col.5, lines 19-21].
33. As to claim 14, Hamadani discloses the invention as claimed, wherein remote user must respond within a predetermined time period [see Hamadani, col.4, lines 60-67, and col.5, lines 41-51].
34. As to claim 15, Hamadani discloses the invention as claimed, wherein information about the remote users is stored by the server, the server terminates contact with the queued remote user, uses the information to contact the remote users as license become available [see Clark, paragraph 0016].

***Conclusion***

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy T. Nguyen whose telephone number is 571-272- 3929. The examiner can normally be reached on Monday - Friday 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **William Vaughn** can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh Tammy Nguyen/  
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